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Attorney Docket: 1252CIP3DIVCON6
(203-833CIP3DIVCONVI)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: David T. Green et al. EXAMINER: Unassigned
SERIAL NO.: 10/668,941 GROUP UNIT: Unassigned
FILED: September 22, 2003 DATED: June 18, 2004
FOR: SURGICAL STAPLING APPARATUS

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. §1.78(a)(3)
TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM UNDER 35 U.S.C. §120
FOR THE BENEFIT OF A PRIOR FILED APPLICATION**

Sir:

Applicants hereby petition for the benefit of earlier filed application Serial No. 09/487,111 ("111 APPLICATION"), filed January 19, 2000. The entire delay between the date the claim was due under 37 C.F.R. §1.78(a)(2)(ii) and the date the claim as filed was unintentional. Submitted with this petition is an amendment to the

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 18, 2004.

Dated: June 18, 2004

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above-identified application including the reference required under 35 U.S.C. §120 and 37 C.F.R. §1.78(a)(2). Please charge the surcharge set forth in 37 C.F.R. §1.17(t) of \$1,330.00 to Deposit Account No. 21-0550.

The Commissioner is authorized to charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. §1.16 and/or §1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account 21-0550. TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.

Respectfully submitted,



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Amendments to the Specification:

Please replace the paragraph beginning at page 1, line 5, with the following rewritten paragraph:

--This application is a continuation of copending application Serial No. 09/852,457, filed May 9, 2001, now U.S. Patent No. 6,644,532, which is a continuation of copending application Serial No. 09/487,111, filed January 19, 2000, now U.S. Patent No. 6,250,532, which is a continuation of copending application Serial No. 08/899,453, filed July 23, 1997, now abandoned, which is a continuation of copending application Serial No. 08/242,798, filed May 16, 1994, now U.S. Patent No. 5,711,472, which is a divisional of copending application Serial No. 08/024,533, filed March 1, 1993, now U.S. Patent No. 5,312,023, which is a continuation-in-part of copending application Serial No. 07/949,685, filed September 23, 1992, now U.S. Patent No. 5,326,013, which is a continuation-in-part of copending application Serial No. 07/915,425, filed July 17, 1992, now abandoned, which is a continuation-in-part of copending application Serial No. 07/781,012, filed October 18, 1991, now abandoned. Each of these applications is incorporated herein by reference.--